

REGISTER

South Dakota Legislative Research Council



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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council)

Department of Game, Fish and Parks: (March 18, 2002) is proposing rules to modify the duration of the Custer State Park coyote hunting season; establish the number and types of licenses available during the Custer State Park deer hunting season and modify the area open to hunting; decrease the number of bighorn sheep licenses available in Custer State Park, modify the dates of the hunting season, and repeal unnecessary reference to application procedures and lottery drawings; increase the number and types of licenses available during the special Custer State Park antlerless elk hunting season; provide that any person who has previously received a bighorn sheep license in South Dakota is not eligible for a Custer State Park bighorn sheep license; add areas in the state park system which require a park entrance license; modify the archery deer hunting season dates in the area described in Unit 727A of the special deer archery hunting season and repeal the restrictions to the hunting season in the Pocasse National Wildlife Refuge in Campbell County; repeal Unit 711A in Bennett County and delete reference to Pocasse National Wildlife Refuge as part of Unit 716A (Campbell County) during the special antlerless deer archery hunting season, increase the number and types of licenses available in the applicable units, and extend season dates; establish a new unit and the number and types of licenses available in the applicable and new units, modify the areas open to hunting in Unit 427A (portions of Lawrence and Meade counties), and modify the hunting season dates in several of the applicable units during the archery elk

hunting season; establish a new unit in the prairie elk hunting season, modify the season dates in Units 311A, 311B, and 311C (Bennett County), repeal Units 311D and 311E (Bennett County), and increase the number and types of licenses available in the applicable and new units; increase the number and types of licenses available for "any elk" and "antlerless elk" in applicable and new units in the Black Hills elk hunting season, eliminate "bull elk" licenses, establish an additional December season for "antlerless" elk licenses in the applicable units, establish new units and season dates for hunting "antlerless elk" and combine Units 407A and 408A into Units 407A and 407B; change the application procedures and payment of the applicable license fees, provide for changes, modifications, and procedures for administering the application procedure and eligibility requirements for unsold Black Hills elk, prairie elk, and archery elk licenses, modify the eligibility and preference requirements under certain circumstances, and repeal the preference certificate procedures for Bennett and Gregory Counties which were only applicable in 2001; decrease the number and types of licenses available to hunt mountain goats; delete reference to Pocasse National Wildlife Refuge as being part of Unit 916A (Campbell County) in the general muzzleloading deer hunting season, repeal muzzleloading rifle requirements, increase the number and types of licenses available in the applicable units, and modify season dates; prohibit the use of "smokeless powder" in muzzleloading rifles during seasons limited to muzzleloading rifles; modify the sage grouse hunting season dates, repeal the daily bag and possession limits, and establish a season limit of one (1) sage grouse; repeal Unit 3 (Pocasse National Wildlife Refuge) in Campbell

County as a pheasant hunting unit and repeal reference to Unit 3 in Unit 1 so that the area formerly a national wildlife refuge becomes part of Unit 1; modify the quail hunting season dates to coincide with the pheasant season dates in Unit 1 of the pheasant hunting season; modify the special Canada goose hunting units and season dates for Unit 127A (Fall River and Custer counties) and modify the boundaries of Unit 101A (Minnehaha County); modify the number of special nonresident waterfowl licenses available in Units 100B and 100D and repeal the provision that 50 of the licenses in Unit 100B are only valid beginning October 20, reduce the number of fall three-day temporary nonresident waterfowl licenses available in Unit 100X by 500, establish a new Unit 100Y comprised of 9 northeastern South Dakota counties and establish the number (500) of fall three-day temporary nonresident waterfowl licenses available in this unit, and provide that any licenses remaining unsold for Unit 100Y after November 15 may be transferred for use as a Unit 100X license; modify the required authorization procedures to permit aerial predator control by and for landowners, permit landowner pilots under certain circumstances to aerial hunt on land they own or lease and up to 2 miles on contiguous property, and repeal a provision that permittees who are subject to call by the department must aerial hunt without cost; establish the daily limit and length limits of walleye, sauger, walleye-sauger, or a combination thereof in Lynn and Opitz Lakes in Day County; establish a "no boating zone" from March 1 through August 31 and a "no motors over 8 h.p. zone" from September 1 through the last day of February at Blythe Slough (Codington County) and establish a "no boating zone" from March 1 through August 31 in the waters of Rock Crandall Game Production Area and its contiguous waters (Marshall County). The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-2-38, 41-6-18.2, 41-6-18.4, 41-6-19.6, 41-6-21, 41-8-39.1, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Holiday Inn

Express in Deadwood, South Dakota, on April 11, 2002, at 2:00 p.m. (MDT). Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Department of Social Services: (March 21, 2002) is proposing rules that will update and clarify existing medical services rules; specify that an individual who is eligible for medical services is responsible to the medical provider for the payment of noncovered services; expand the medical services covered by the Department and establish parameters for the coverage of those services; amend the list of conditions used to substantiate the need for breast reduction surgery; update and clarify the procedure codes used for air ambulance and basic life support ground ambulance providers; and update physician fee schedules. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Monday, April 15, 2002, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by Thursday, April 25, 2002, in order to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3305 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review

Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

3-27-2002	Commerce and Regulation: Division of Insurance	Guaranteed issue health insurance and large value life insurance policies; 28 SDR 129.
4-11-2002	Game, Fish and Parks	Custer State Park coyote, deer, bighorn sheep, and antlerless elk hunting seasons; park entrance licenses; Codington and Marshall County public water safety zones; antlerless deer and elk archery seasons; prairie and Black Hills elk hunting seasons; license applications; mountain goat, pheasant, quail, and sage grouse seasons; muzzleloading deer hunting season; prohibit smokeless powder in muzzleloading rifles; special Canada goose hunting units and season; nonresident waterfowl license restrictions; aerial hunting; fish limits in special management waters; and Codington and Marshall Counties public water safety zones; 28 SDR 137.
4-15-2002	Social Services	Update and clarify certain existing medical services rules; update the list of physician nonlaboratory procedure codes, descriptions, and fees; update the list of physician laboratory procedure codes and fees; and update the list of physician medical procedure codes and the Medicare maximum allowances; 28 SDR 138.

Rules Review Committee Meetings

The first meeting of the Interim Rules Review Committee will be held Tuesday, April 16 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: May 14, June 11, August 6, September 17, November 20, and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

Note: An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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